

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THROUGHPUTER, INC.,

Plaintiff,

V.

MICROSOFT CORPORATION,

Defendant.

No. 2:22-cv-344-BJR

ORDER STAYING CASE PENDING
INTER PARTES REVIEW

On April 18, 2022, Defendant Microsoft Corporation (“Microsoft”) moved to stay this case pending resolution of its petitions for *inter partes* review (“IPS”) by the Patent Trial and Appeal Board (“PTAB”). Dkt. 82 (the “Motion”). This Court denied the Motion on June 1, 2022. Dkt. 91. On August 15, 2022, the parties contacted this Court’s chambers with respect to a discovery dispute concerning the sufficiency of Plaintiff Throughputer, Inc.’s (“Throughputer”) infringement contentions. The arguments raised by the parties in the course of that dispute have caused the Court to reexamine its Order denying the requested stay, and reconsider the arguments made by the parties in support of, and against, the Motion. This Court now finds, particularly given the parties’ arguments as to whether certain of Microsoft’s and Throughputer’s patents claim the same technology, that the PTAB’s resolution of Microsoft’s IPR petitions would simplify the issues and benefit the Court’s resolution of this case.

ORDER - 1

1 Accordingly, having reconsidered its June 1 Order, the Court GRANTS Microsoft's
2 motion (Dkt. 82) and stays this case pending resolution of Microsoft's petitions for *inter partes*
3 review. The Court further ORDERS that the parties shall file a joint status report regarding the
4 IPR proceedings no more than 10 days after the conclusion of those proceedings.

5 Dated: August 18, 2022
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9 Barbara Jacobs Rothstein
U.S. District Court Judge
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ORDER - 2